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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,328	10/03/2000	Yasuo Takane	0905-0247P-SP	4817

7590 01/26/2007  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
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Falls Church, VA 22040-0747

EXAMINER
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AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/678,328	<b>Applicant(s)</b> TAKANE, YASUO	
	<b>Examiner</b> Yogesh K. Aggarwal	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/29/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 10, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. (US Patent # 5,034,804) in view of Takagi (US Patent # 5,319,416).

[Claim 1]

Sasaki et al. teaches a digital camera (figure 6a and 6b) comprising a photometry device (19) for performing photometry to output photometry values (col. 4 lines 26-34, col. 6 lines 19-44);

an imaging device (26) for imaging a subject, to output image data representing an image of the subject (col. 4 lines 14-25).

an exposure control device for controlling an amount of exposure in said imaging device on the basis of the photometry values outputted by said photometry device (col. 4 lines 26-34 teach that upon half press of the shutter, the diaphragm 22 is controlled by the control circuit 24 according to the measured amount of the incident light by the exposure sensor 19 and col. 4 lines 38-57 teach when the shutter is fully pressed an image is captured. It would be obvious that the image is taken according to the value of the diaphragm set during the half press of the shutter) ;

an image file create device for creating an image file for each of imaging by said imaging device, containing the image data outputted from said imaging device and data representing the photometry values, the image file create device creating the image file; and a recording control device for recording the image file created by said image file create device on a recording medium (e.g. figures 9e and 10, col. 8 lines 42-55, col. 9 lines 1-35 teach a file being created on a memory card 15 representing image data and exposure values).[ The exposure value and the image data shown in block number 11H in figure 9E in the same recording device and portion is being read as an image file. A file is defined as a collection of data stored and dealt with as a single, named unit. Sasaki teaches block 11H showing exposure values and image data stored within a single unit].

Sasaki teaches an exposure sensor 19 to measure the amount of incident light but fails to teach if this photometry device is used for performing photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values including the identification numbers that specify each of the sections.

However Takagi teaches an imaging device (figure 2) having a divisional photometry section (figure 3) that performs photometry by divisional photometer element 11a to 11h arranged in correspondence with the divisional photometric areas, F1 to F8, of a photographic frame. The divisional photometer elements 11a to 11h perform photometry on photometric areas F1 to F8 respectively. The reference numeral 12 converts photometric signals from the photometric elements 11a to 11h into photometry values  $E(n)$  ( $n=1$  to 8, in the units of BV) and stores these photometric values  $E(1)$  to  $E(8)$  into the AE output memory 20 (col. 3 lines 32-49).

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Therefore taking the combined teachings of Sasaki and Takagi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used a photometry device for performing photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values including the identification numbers that specify each of the sections in order to provide an exposure calculation device for cameras that is capable of calculating a correct exposure for a principled object in a back-lighted or front-lighted condition as taught in Takagi (col. 1 lines 41-45).

[Claim 13]

Sasaki teaches that the amount of incident light is measured by exposure sensor 19, and control circuit 24 controls diaphragm 22 according to the measured amount of incident light (col. 4 lines 31-34). It is very well known in the art that the diaphragm is used to control exposure and therefore reads on wherein the output values of the photometry device are directly used to determine an amount of exposure.

information

[Claims 10 and 14]

These are method claims corresponding to apparatus claims 1 and 13 and are therefore analyzed and rejected based upon apparatus claims 10 and 13 respectively.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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YKA

January 14, 2007



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